

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>BRUCE MOWEN</b>	)	
	)	<b>Case Number</b>
	)	
<b>Plaintiff</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL COMPLAINT</b>
	)	
<b>INTEGRITY FINANCIAL PARTNERS INC.</b>	)	
<b>Defendant</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	

**COMPLAINT AND JURY DEMAND**

**COMES NOW**, Plaintiff, Bruce Mowen, by and through his undersigned counsel, Brent F. Vullings, Esquire of Warren & Vullings, LLP, complaining of Defendant, and respectfully avers as follows:

**I. INTRODUCTORY STATEMENT**

1. Plaintiff, Bruce Mowen, is an adult natural person and brings this action for actual and statutory damages and other relief against Defendant for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

**II. JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.

3. Venue in this District is proper in that the Defendant transacts business in this District and maintains a registered office in this District.

### **III. PARTIES**

4. Plaintiff, Bruce Mowen is an adult natural person residing at 1320 S. Avenida Conalea, Tucson, AZ 85748.

5. Defendant, Integrity Financial Partners, Inc. (“Defendant”), at all times relevant hereto, is and was a corporation engaged in the business of collecting debt within the State of Arizona and Pennsylvania with its principal place of business located at 4370 W. 109<sup>th</sup> St., Ste 100, Leawood, KS 66211 and a registered office located at 116 Pine Street, Suite 320, Harrisburg, PA 17101.

6. Defendant is engaged in the collection of debts from consumers using the telephone and mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

### **IV. FACTUAL ALLEGATIONS**

7. At or around the end of September, 2009, Plaintiff began receiving calls from the Defendant in regards to a debt owed to Chase for an amount exceeding \$4,000.00.

8. Plaintiff informed the Defendant and it’s agents that he had retained the law firm of Persels & Associates to assist him with the settlement of his debt and that they needed to contact them directly on this matter.

9. Defendant’s agent told the Plaintiff that they would not deal with anyone like Persels & Associates because they do not deal with debt settlement companies.

10. On or about October 6, 2009, Persels & Associates sent a cease and desist letter to the Defendant explaining to them that they were representing the Plaintiff and that the Defendant needed to update their records to reflect Persels & Associates as their sole contact. **See Exhibit “A” (letter) attached hereto.**

11. Since October of 2009, Plaintiff has continued to receive calls from the Defendant in regards to this debt. Plaintiff has tried to give Defendant’s agents the number for Persels & Associates on several occasions, but he is continually told that they will not deal with a third party in regards to the collection of this debt.

12. As of the filing of this complaint the Plaintiff has never received anything in writing from the Defendant.

13. The Defendant knew or should have known that their actions violated the FDCPA. Additionally, Defendant could have taken the steps necessary to bring their and their agent’s actions within compliance of the FDCPA, but neglected to do so and failed to adequately review those actions to insure compliance with the law.

14. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees, who were acting with the scope and course of their employment and under the direct supervision and control of Defendant herein.

15. At all times pertinent hereto, the conduct of Defendant as well as its agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal and state law and the rights of the Plaintiff herein.

**COUNT I – FDCPA**

16. The above paragraphs are hereby incorporated herein by reference.

17. At all times relevant hereto, Defendant was attempting to collect an alleged debt which was incurred by Plaintiff for personal, family or household purposes and is a “debt” as defined by 15 U.S.C. § 1692a(5).

18. The foregoing acts and omissions constitute violations of the FDCPA, including but not limited to, violations of:

- |                |   |
|----------------|---|
| §§ 1692c(a)(2) | After it knows the consumer to be represented by an attorney unless attorney consents or is unresponsive              |
| §§ 1692c(c)    | After written notification that consumer refuses to pay debt, or that consumer wants collector to cease communication |
| §§ 1692d       | Any conduct the natural consequence of which is to harass, oppress or abuse any person                                |
| §§ 1692d(5)    | Caused the phone to ring or engaged any person in telephone conversations repeatedly                                  |
| §§ 1692d(6)    | Placed telephone calls without disclosing his/her identity  |
| §§ 1692e       | Any other false, deceptive or misleading representation or means in connection with the debt collection               |
| §§ 1692f       | Any unfair or unconscionable means to collect or attempt to collect the alleged debt                                  |
| §§ 1692g       | Failure to send the consumer a 30-day validation notice within five days of the initial communication                 |

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- a. Declaratory judgment that Defendant's conduct violated the FDCPA and declaratory and injunctive relief for the Defendant's violations of the state Act;
- b. Actual damages;
- c. Statutory damages pursuant to 15 U.S.C. § 1692k;
- d. Reasonable attorney's fees and litigation expenses, plus costs of suit; and
- e. Such additional and further relief as may be appropriate or that the interests of justice require.

**V. JURY DEMAND**

Plaintiff hereby demands a jury trial as to all issues herein.

**Respectfully submitted,**

**WARREN & VULLINGS, LLP**

**Date: December 9, 2009**

**BY: /s/ Brent F. Vullings**  
Brent F. Vullings, Esquire

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